
ENVIRONMENTAL Fact Sheet



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Management of Lead-Based Paint Waste

Purpose

The New Hampshire Department of Environmental Services (DES) receives many inquiries concerning the regulatory status of lead-based paint (LBP) waste in New Hampshire. The regulatory status and subsequent disposal of LBP waste has been an environmental and economic concern for a long time in New Hampshire, as well as on the regional and national levels. After the DES's thorough review of the issues involved, the [State of New Hampshire Hazardous Waste Rules \(Env-Wm 100-1000\)](#), and the position of the U.S. Environmental Protection Agency, DES has summarized the regulatory status of LBP waste as follows:

Background

Lead poisoning in children is one of the most common and preventable pediatric environmental health problems in the United States today. One of the most significant sources of exposure is LBP since many buildings (both public and private), especially those built before 1950, contain LBP on interior and exterior walls, window sills, and other surfaces accessible to children. In order to reduce a child's exposure to lead in the home, the removal of all the LBP from the home may sometimes be conducted in a process called lead abatement. The New Hampshire Department of Health and Human Services, Division of Public Health Services (HHS) is responsible for lead poisoning prevention and control. The HHS maintains a Childhood Lead Poisoning Prevention Program which can be reached at 1-800-897-LEAD (in NH) or (603)271-4507 for information and guidance on the subject of lead poisoning and proper lead abatement methods.

The Department of Environmental Services regulates the disposal of the LBP waste. LBP waste may be generated when a building undergoes routine residential maintenance, construction, remodeling, rehabilitation work, lead abatement, or when structures, such as bridges, are repainted. The waste consists of LBP chips, and building parts, such as doors, window frames, and painted woodwork. The management of LBP waste generated from households and residences, public and commercial buildings, and structures are covered in this fact sheet.

Households and Residences

Whenever a homeowner or contractor generates any LBP waste at a household or a residence, that LBP waste would be classified as a "Household Waste" and therefore is exempt from regulation under the [New Hampshire Hazardous Waste Rules](#). A household is any living abode including single residences (such as detached homes) and multiple residences (such as apartment buildings, college dormitories, and public housing units). Although residential LBP

wastes are excluded from regulation under the Hazardous Waste Rules, DES encourages homeowners and contractors to use the following Best Management Practices when handling this waste stream:

- Collect LBP waste and dust, and dirt and rubble in plastic trash bags for disposal.
- Store larger LBP architectural debris pieces in covered containers, such as a roll-off container, until ready for disposal.
- Post appropriate warning signs to limit unknowing access at LBP work sites and storage areas.
- Transport LBP waste from the work site in covered containers to an approved solid waste facility.
- Any processing of LBP waste (e.g., chipping, grinding, shredding) in the work area should be conducted in an enclosure to contain any fugitive lead dust emissions.
- Use of LBP waste as mulch is not allowed.
- Contact local municipalities or state solid waste offices to determine where and how LBP waste can be disposed.

LBP Waste Disposal

In terms of disposal of LBP waste, there are two recommended options:

1. LBP waste, such as chips, dust, caustic paste waste ("Peel Away"), and any other solvent sludges, should be collected in secure containers like empty paint cans or heavy plastic bags, as appropriate. The waste should then be stored in a safe place, away from children, until a Household Hazardous Waste Collection Day is held in your area. To find out when a Collection Day will be held near you, contact DES's Household Hazardous Waste Coordinator at (603)271-2900.
2. LBP wood or metal waste that are removed and replaced in whole, such as doors, window frames, and painted woodwork, should be collected in secure covered containers, such as a roll-off container, or heavy plastic bags, as appropriate. LBP waste can then be disposed of at a permitted, lined solid waste landfill following disclosure to and approval from the landfill owner/operator. Contact DES at (603)271-2925 for locations of solid waste landfills that may accept LBP waste.

Public and Commercial Buildings

LBP waste generated from non-residential public or commercial buildings would be considered a waste under the New Hampshire Hazardous Waste Rules and is not excluded as a "Household Waste". A public building is any building used by the general public, such as schools, stores, or hospitals, which does not fit the definition of a household. A commercial building is any building not intended for use by the public, such as office complexes, industrial buildings, and factories.

If the generator of the waste cannot rule out that LBP was used based on their knowledge of the building, then a representative sample must be taken to test the waste for hazardous characteristics. In this case, a hazardous waste determination can be done by subjecting a representative sample of the waste to the Toxicity Characteristic Leaching Procedure (TCLP) to determine if it exhibits the characteristic of toxicity. If the extract from the sample of waste contains any of the contaminants listed in Env-Wm 403.06(d) at a concentration equal to or greater than the respective value in Table 4.9, it would be considered a toxic hazardous waste. (For lead, this value is 5.0 milligrams/liter). One of the most important yet most complex steps in conducting any hazardous waste determination is ensuring that the sample to be tested is indeed

accurate and representative of the waste. For additional information or clarification on sampling and analysis, contact the DES's Hazardous Waste Compliance Section at (603)271-2942.

If the waste is determined to be a hazardous waste, it must be handled and disposed of in accordance with the [New Hampshire Hazardous Waste Rules \(Env-Wm 100-1000\)](#).

Generally, this means that the generator must ensure proper delivery of the waste to a facility authorized under the destination state's rules to handle hazardous waste (see Env-Wm 500). If the waste is determined not to be a hazardous waste, then the waste would be regulated as a solid waste that must be managed in accordance with the [New Hampshire Solid Waste Rules \(Env-Wm 100-300, 2100-3700\)](#). As a solid waste, the two recommended disposal options listed under **Households and Residences** would apply.

Structures

LBP waste generated from the routine maintenance, renovation, construction, or demolition of non-residential structures, such as bridges, water towers, or tanks, and may include sandblast grit would be subject to a hazardous waste determination. This hazardous waste determination would be the same as for **Public and Commercial Buildings**. Depending on the specific situation and painting history of the structure, other metals, such as chromium, may need to be included in the TCLP analysis.

For More Information

This fact sheet provides general information only. Should there be additional questions on this Fact Sheet, please contact the Department at (603) 271-2942. For your information, the New Hampshire Hazardous Waste Rules can be obtained from the DES's website at <http://www.des.nh.gov/rules/hwrules.pdf> or by contacting the Public Information Center at (603) 271-2975.